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C O N F I D E N T I A L SECTION 01 OF 02 QUITO 000836

SIPDIS

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TAGS: [PGOV](#) [ASEC](#) [EC](#)

SUBJECT: ECUADOR: PRESIDENT DECLARES STATE OF EMERGENCY IN QUITO

REF: QUITO 794

Classified By: Ambassador Kristie A. Kenney. Reason 1.4 (b&d).

1. (C) Summary: President Lucio Gutierrez declared an indefinite state of emergency in a national televised address at 21:30 local on April 15. Embassy personnel are accounted for and safe. Military units have not yet appeared in the streets, where spontaneous demonstrations sprang up to protest the action. No violence has been reported. Shortly after the announcement, the Ambassador telephoned Gutierrez to urge him to reconsider his move; the president replied he would not, but promised Ecuador's security forces would act with restraint and not target opposition leaders. End Summary.

Details on the Decree

2. (U) The emergency applies to the capital, which has been declared a special security zone, and surrounding Pichincha province, and includes the suspension of certain civil liberties, including freedom of assembly, movement, expression, communication and protection from searches. Military units have been called to the capital to enforce order in the streets. The President's decree also terminated the Supreme Court. Gutierrez justified the action by citing Congress' refusal to deal with the court controversy, and said the state of emergency would be in effect until Congress dealt with pending court reforms.

Early Embassy Actions

3. (C) Upon hearing from Embassy sources that a state of emergency decision was imminent, the Ambassador spoke with Carlos Larrea, the president's legal advisor and confidant, to urge the GOE to reconsider its decision and express concern. Larrea said the decision had been made, and was irreversible. The Ambassador urged that the GOE respect civil rights and avoid politically motivated attacks on opposition figures.

4. (C) An hour after Gutierrez took to the airwaves to announce the emergency measures, the Ambassador telephoned him. In their conversation, the Ambassador urged him to ensure the security forces acted with restraint. Freedom of expression must be protected, she underscored, and the GoE must not target the opposition. Gutierrez hoped he could lift the emergency by April 18 or 19. The police and army would conduct no witch hunts, he promised, but instead would deploy to ensure the public's safety.

Motives

4. (C) Separately, Larrea told Polchief the state of emergency had a dual purpose: to prevent further protests targeting the home of the President's and high command's families, and to prevent Supreme Court President Guillermo Castro from moving against the Bank of Pichincha directors and annulling charges pending against notorious fugitive Ecuadorian bankers living in Miami (Septel).

5. (C) The Embassy canvassed contacts at the Ministry of Finance to follow up on the bank run explanation for the state of emergency declaration. Vice FinMin Ramiro Galarza was unaware of such financial intrigue. His explanation? That the Administration had learned that Congress was on the cusp of passing a resolution to terminate the Court and "divide the spoils" among opposition political parties.

Subsequent Embassy Actions

6. (C) The Country Team assembled in the Chancery to reach out to contacts and urge calm. Highlights include:

- Milgroup contacting Joint Forces, Army commanders, plus Army 1st Division commander;
- DAO briefing DOD, Southcom operations centers, Manta CSL;
- PAS drafting press guidance;
- RSO, MSG activating phone tree to counsel Embassy staff to limit movements;
- POL canvassing Presidency, opposition contacts, preaching

restraint and dialog;
-- DCM engaging pro-democracy NGO's director, Cesar Montufar;
-- CONS preparing a warden message for resident Amcits;
-- DCM briefing CG Guayaquil, requesting the Consulate to reach out to Coastal party leaders;

Situation on the Streets

17. (U) As of midnight April 16, large demonstrations were occurring throughout Quito, but mostly in its more prosperous north. The epicenter is Avenida Shyris, a parade ground-like street two miles north of the Embassy but only two hundred yards west of the Marine House. Police have reported no serious violence, and overall, the protesters' moods seem jubilant. Embassy police contacts say their operational flexibility has been greatly restrained by the emergency order, the "men in blue" now being placed under Armed Forces command.

Opposition Responses

18. (SBU) Opponents of Gutierrez's decision quickly took to the airwaves, their message no surprise. Both the PSC's Leon Febres-Cordero and PRIAN leader Alvaro Noboa were outraged by the president's "unconstitutional" acts, which were further proof of his dictatorial bent. A dismissed Supreme Court judge claimed only the Congress was empowered to remove sitting judges. And PSC Congressman Carlos Torres told Poloff that Congress would reconvene to revoke the emergency decree, as the Constitution's Article 182 allows it to do, but likely not before the legislature returns to session April 19. Quito Mayor Paco Moncayo, a key figure in the opposition movement, has publicly called for demonstrators to remain in Quito's streets indefinitely and has requested Congress to reconvene immediately to revoke Gutierrez's emergency decree. The municipal council too is searching for a method to revoke the emergency state (it has recently invoked habeas corpus laws to free protesters arrested by security forces).

Embassy Next Steps

19. (C) Mission staff, especially the RSO team, remain at the Chancery as of 0100 hrs April 16 monitoring demonstration activity. Personnel will reconvene by 1000 and take on the following tasks:

-- Continue outreach to government and opposition alike, pushing dialog and restraint;
-- Search for media opportunities to announce our concerns and demands for a negotiated solution;
-- Issue a warden message to resident Amcits;
-- Canvass police and military contacts and keep Mission community informed of areas to avoid;
-- Brief USG operations centers as needed;

KENNEY